
Appeal Decision

Site visit made on 6 March 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH April 2024

Appeal Ref: APP/C1950/D/23/3335868

11 Little Youngs, Welwyn Garden City AL8 6SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Victoria Anne Copeman against the decision of Welwyn Hatfield Borough Council.
 - The application ref. 6/2023/1345/HOUSE, dated 23 June 2023, was refused by notice dated 27 September 2023.
 - The development proposed is described on the application form as "*Installation of nine (9) solar panels on road facing pitched roof.*"
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Decision

1. The appeal is allowed and planning permission is granted for the installation of nine (9) solar panels on road facing pitched roof at 11 Little Youngs, Welwyn Garden City AL8 6SL in accordance with the terms of the application ref. 6/2023/1345/HOUSE, dated 23 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (sheet no. 04); Existing Elevations (sheet no. 01); Proposed Elevations (sheet no. 02) except the annotation above the Proposed Front Elevation shall be read at the start as "Installed 9 Solar Array..."; and Roof Plan (sheet no. 03).

Preliminary matters

2. No. 11 is a semi-detached 2-storey house in a cul-de-sac (Little Youngs) within the Welwyn Garden City Conservation Area (CA). I am dealing with a similar appeal (ref. APP/C1950/D/23/3335878) at no. 6. That will be the subject of a separate decision.
 3. The determination of the appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. Following the determination of the application by the Council, the Welwyn Hatfield Borough Council Local Plan 2016-2036 (LP) was adopted on 12 October 2023, replacing the Welwyn Hatfield District Plan 2005 and forming the development plan for the area. The National Planning Policy Framework (the Framework), which was
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updated in December 2023, and the Planning Practice Guidance (PPG) are important material considerations.

4. The main parties were given an opportunity to comment on the updates to the development plan and the Framework and the comments received have been taken into account.

Main issue

5. The main issue is the extent to which the solar panels would preserve or enhance the character or appearance of the CA and if there is any harm to the significance of the CA, what public benefits can be attributed to the scheme in the overall planning balance.

Reasons

6. As the site falls within the CA, in accordance with the statutory duty I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, a designated heritage asset.
7. The LP policies most relevant to the determination of this appeal are: SP 1 (Delivering Sustainable Development); SP 9 (Place Making and High Quality Design); SP 10 (Sustainable Design and Construction); Policy SP 11 (Protection and Enhancement of Critical Environmental Assets); Policy SP 15 (The Historic Environment of Welwyn Garden City); and Policy SADM 15 (Heritage). I consider that the latter policy is the most relevant of all.
8. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm in order to identify which policies in the Framework and LP Policy SADM 15 apply. The PPG states that within each category of harm, the extent of the harm may vary and should be clearly articulated.
9. The character, appearance and significance of the extensive CA is largely derived from its carefully designed and planned layout as a garden city where the built forms are integrated with ample green landscaping. Little Youngs comprises a group of 12 houses in one of the many narrow cul-de-sacs that characterize this quiet residential part of the CA. It has a total of 10 semi-detached houses and 2 detached houses in a balanced grouping, all displaying uniformity in their design and materials. The hipped roofs of the houses in Little Youngs are laid with well-weathered small red/brown tiles. Although some alterations, including driveways, garages, modern signage and yellow lines, have taken place in Little Youngs, there have been no material alterations to any of the front roof slopes.
10. In my view, the positioning and arrangement of the solar panels on the front roof slope would not appear disorderly. They would, by and large, reflect the shape of the host roof. The choice of a black finish would help to minimize their visual impact on the roof.
11. Little Youngs is not a key vista in the CA. Nos 11 and 12 are set well back from the north-eastern carriageway edge of Little Youngs. There would be a very short-lived and glimpsed view of the roof of the appeal property from Handside Lane some distance away when approaching its junction with Little Youngs from the south-west. The proposed array of panels on the front roof slope would only

come into fuller public view and take on a moderate degree of prominence from various vantage points along Little Youngs. From there, to the extent that the roofscape is seen as one part of the unified character and appearance of this group of dwellings, it is inevitable that the expanse of solar panels would contrast with the shape, form, size and colour of the tiles on the front roof of the dwelling and its adjoining neighbour. The front-facing solar panels would result in a degree of harm to the character and appearance of the host building and the unity of the group. They would not therefore preserve the character or appearance of this part of the CA but their impact on the significance of the CA as a whole would be slight. There would be conflict with the some of the provisions within LP Policies SP 1, SP 9, SP 11, and SP 15.

12. In the terms of the Framework and LP Policy SADM 15, the harm to the significance of the CA as a designated heritage asset would be less than substantial, with the extent of harm being at the lowest end of any sliding scale of harm within that category. Even so, I give this harm considerable importance and weight in the planning balance of this appeal as great weight must be given to an asset's conservation.
13. I turn to weighing this less than substantial harm against the public benefits of the proposal. This is a matter of planning judgement. The appellant, in a comprehensive and well-reasoned statement, accompanied by an energy performance appraisal for the chosen solar energy system, considers that the Council performed an inadequate evaluation of the environmental benefits of the solar panels in the light of the Climate Emergency declared by the Council in 2019 and the decision of the Council to give approval of Estate Management Consent for the scheme the subject of this appeal, after a policy change to permit solar panels on front-facing roof slopes in the Garden City after that declaration.
14. The Framework says that the planning system should support the transition to a low carbon future in a changing climate. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure. The environmental objective of sustainable development includes protecting and enhancing our built and historic environment but also mitigating and adapting to climate change, including moving to a low carbon economy. It goes on to explain that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to the significant cutting of greenhouse gas emissions. Moreover, in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, local planning authorities should also apply the policies set out in chapter 16 of the Framework, as I have sought to do in this appeal.
15. The LP reports that one of the key challenges for the Council is addressing climate change, protecting the environment and delivering sustainable

development, that renewable energy can help to ensure that development is more sustainable and that in 2014 the borough had higher per capita carbon dioxide emissions than the UK as a whole. LP Policy SP 10 promotes the use of renewable and low carbon energy infrastructure where it is appropriate and consistent with other policies.

16. The appellant has already carried out a number of energy saving measures and she says that the next most impactful measure she can implement to reduce the property's carbon footprint would be the installation of a solar system. Given the orientation of the house, the lack of other siting options and the content of the energy performance appraisal for the chosen solar energy system (which was available but not asked for by the Council at the time of the application), I am persuaded that there are clear technical reasons why the south-west facing front roof slope had to be utilised. This, added to the proposed layout and colour of the solar panels, satisfies me that all feasible solutions to mitigate the harm to the CA were appropriately considered.
17. The evidence put before me shows that the proposal would avoid carbon dioxide emissions of 790 kg per year by generating an estimated 3120 kWh of electricity per annum. Over the system's lifetime the environmental benefits are said to equate to 23401 car km avoided or 150 trees planted or 17 long haul flights avoided. It can be seen that small-scale projects like this provide a valuable contribution to the significant cutting of greenhouse gas emissions.
18. The matter of potential cumulative effects cuts both ways. On the one hand, I would estimate that the occupiers of at least 5 properties on the cul-de-sac may have no need to use their front roofs should they decide to consider solar power. Any future proposals at these or any of the other properties in the cul-de-sac (including no. 6) or elsewhere in the CA would have to be looked at on their own merits. On the other hand, it would be wrong in my view to reject planning applications or to attach only minimal weight in any planning balance just because the level of output (say compared to a solar farm) is small or because only a single building is involved. That approach could be repeated too often and ignoring the positive cumulative environmental impact of many householders installing solar panels on existing dwellings would not sit well with the declared Climate Emergency.
19. Public benefits could be anything that delivers environmental, economic and social benefits as described in the Framework. Addressing climate change is a fundamental priority if we are to secure our environmental, economic and social wellbeing. The appellant also points out, rightly in my view, that the installation of solar panels, enabling local residents to generate and use their own green energy and consequently reduce dependency on fossil fuels, also furthers Welwyn Garden City's founding principle to be a garden city designed for "healthy living" as referenced in LP Policy SP 15.
20. Drawing all these threads together, I find on the main issue that the public benefits that can be attributed to the proposal significantly outweigh the less than substantial harm to the significance of the designated heritage asset, the CA, and the desirability of preserving that asset. In this regard, there is compliance with the penultimate and key paragraph within LP Policy SADM 15.

There would also be compliance with the Framework which does not include the phrase "significantly outweigh" in the corresponding balancing test.

21. I have attached very little weight to the appeal decision issued under ref. APP/C1950/D/21/3279900 which allowed solar panels on the front roof slope of 315 Knightsfield, Welwyn Garden City. Significantly, that address does not fall within the CA. The Inspector in that case found that the siting and scale of the panels would not result in any harm to the character and appearance of the dwelling or the surrounding area and would not therefore conflict with the planning policies and guidance that were most relevant then. As there would be no adverse visual impacts, it was also not necessary to balance these against the environmental benefits of that renewable energy proposal so as to justify it.
22. Within the context of an appeal made under section 78 of the Act, it is not within my remit to formally determine whether the proposed development requires planning permission as questioned by the appellant. If the appellant wishes to ascertain whether the development would be lawful, the correct approach would be the submission of an application under section 192 of the Act which would be determined by the Council in the first instance. In any event, given my decision in this appeal, the question of whether planning permission is required is somewhat academic.
23. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the approved drawings is necessary as this provides certainty. Within that latter condition, the parties will notice that I have taken the opportunity to correct a minor error within one of the annotations on the drawing of the proposed front elevation.
24. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR